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**FILED**  
DISTRICT COURT OF GUAM

JAN 23 2008

**JEANNE G. QUINATA**  
Clerk of Court

**FORREST BOOTH** (Cal. Bar No. 74166) (Admitted *pro hac vice*)  
**RYAN C. DONLON** (Cal. Bar No. 229292) (Admitted *pro hac vice*)  
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Attorneys for Defendant, Cross-Claimant and  
Counterclaimant S.J. GARGRAVE SYNDICATE 2724  
9ZP94556

**IN THE DISTRICT COURT OF GUAM**

**TERRITORY OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

INCHCAPE SHIPPING SERVICES GUAM,  
LLC,

Plaintiff in Intervention,

vs.

MARWAN SHIPPING & TRADING CO.,  
FIVE SEAS SHIPPING CO., LLC, and S.J.  
GARGRAVE SYNDICATE 2724, *in*  
*personam*,

Defendants.

AND CROSS-CLAIMS, COUNTERCLAIM,  
AND CLAIM IN INTERVENTION

Case No.: 1:06-CV-00011

**DECLARATION OF THOMAS M.  
TARPLEY IN SUPPORT OF REQUEST  
FOR ENTRY OF DEFAULT**

Complaint Date: April 19, 2006  
Trial Date: May 12, 2008

1 S. J. GARGRAVE SYNDICATE 2724,

2 Third-Party Plaintiff,

3 vs.

4 NAVIGATORS PROTECTION &  
5 INDEMNITY,

6 Third-Party Defendant.

7  
8 I, THOMAS M. TARPLEY, certify as follows:

9 1. I am an attorney of record of S.J. GARGRAVE SYNDICATE 2724  
10 in the above entitled action.

11 2. The attorneys of record for Navigators Insurance Company dba  
12 Navigators Protection & Indemnity ("Navigators") are Thomas C. Sterling, as  
13 local counsel, and Stanley L. Gibson of Gibson Robb & Lindh LLP, admitted  
14 pro hac vice by order of this Court dated April 12, 2007.

15 3. By order of this Court dated November 28, 2007, Gargrave was  
16 granted leave to file a third-party complaint against Navigators.

17 4. Gargrave's Third-Party Summons together with a First Amended  
18 Third-Party Complaint was served on Navigators by delivery of same to  
19 Thomas C. Sterling on November 30, 2007 and mailing same to Mr. Stanley  
20 Gibson by U.S. mail, postage prepaid.

21 5. More than 20 days have elapsed since the service of the First  
22 Amended Third-Party Complaint, yet Navigators has failed to plead or  
23 otherwise defend as provided by the Federal Civil Rules, and Navigators is in  
24 default thereby.

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26 1620/0002/648158.1

27 DECLARATION OF THOMAS M. TARPLEY IN  
28 SUPPORT OF REQUEST FOR ENTRY OF DEFAULT

ORIGINAL

6. Gargrave is entitled to an entry of default against Navigators by the Clerk of Court pursuant to Fed. R. Civ. P 55(a).

I hereby declare under penalty of perjury under the laws of the United States of America and Guam, that the aforesaid statements are true.

Dated this 23 day of January, 2008.

THOMAS M. TARPLEY,  
Attorney for Defendant

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**CERTIFICATE OF SERVICE**

I, Sheila D. Edwin, hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on January 23, 2008, I caused to be served a true and correct copy of the **DECLARATION OF THOMAS M. TARPLEY IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT**, to the following:

Mike W. Schwab, Esq.  
OFFICE OF THE U.S. ATTORNEY  
108 Hernan Cortez Avenue, Suite 500  
Hagatna, Guam 96910

R. Michael Underhill  
Attorney in Charge, West Coast Office  
MIMI MOON  
Trial Attorney  
Torts Branch, Civil Division  
U.S. DEPARTMENT OF JUSTICE  
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[Courtesy copy]

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*Attorneys for Defendants and Cross-Defendants Marwan Shipping & Trading Co.;  
Five Seas Shipping Co., LLC; and Al-Buhaira National Insurance Company*

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2 Elyze J. McDonald, Esq.  
3 CARLSMITH BALL LLP  
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5 134 West Soledad Avenue  
6 Hagatna, Guam 96910

*Attorneys for Third Party Defendant Inchcape Shipping Services Guam LLC*

7 Dated this 23<sup>rd</sup> day of January, 2008.

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10 SHEILA D. EDWIN  
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